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The Long Sad Trail of "1076-AF18" people

1 message

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Wed, Sep 18, 2013 at 12:10 AM

September 17, 2013

Secretary Jewell,

The following are my comments on BIA's 3rd revision of Federal Acknowledgment Requirements 1076-AF18. Because you are new to your job as Secretary of the Interior Department I want you to know that my comments are based in part on my 30 years with the U.S. State Department in Washington, D.C. in the area of Records Management. I well know what you are up against in overseeing a large U.S. Government bureaucracy. I can only hope you are able to truly effect a more positive outcome for ALL the wonderful Native Americans throughout this large country as you remember the Indians you saw as a young girl. They're still here!

I feel what Interior should do with its 3rd rule revision is best expressed in the story of The Dead Horse Theory that Indians have passed on from generation to generation, a story that says "When you discover that you are riding a dead horse, the best thing to do is *get off*."

The Indians know *who* they are. They have known who they are for several thousand years. The following comments deal more with Interior's masking over of the human spirit with yet another 3rd recognition rulemaking effort - like others have done for centuries.

I have studied my family's genealogical history since they arrived in Massachusetts in 1635. I have over-and-over read about the treatment of the Indians by both European and American governments. This year, 2013, is the 500th anniversary of Spain's 1513 "Requerimiento" (requirement) document by Juan López de Palacios Rubios. It was used to tell all Native American Indians that they were now "vassals" of Spain and that Spain had sovereignty over all their lands. They were to obey and serve without any resistance. If they did not obey, it said "... we shall take you and your wives and your children, and shall make slaves of them, and as such shall sell and dispose of them..." The Indians were forced to build houses, store food, and be a labor force for the Spanish. The Requerimiento was written and read in Spanish - to Native Americans.

Likewise, the U.S. Indian Treaties were written and read in English. The Indian signatories had to place an "X" by "His Mark" because they could not read or speak English. In the U.S. State Department when a treaty is signed - there is one copy in English and another in the language of the foreign country. Did the Indians get a copy of their treaty in their language? No! Since

they could not read or speak English – they were not prepared. Today, 500 years later, we see the remnants of the Requerimiento's thought process manifested within Interior's 3rd draft of its Federal Acknowledgment Regulations.

Why after a century or more when their lands have been taken away, houses and records burned, nation after nation destroyed, different tribes forced to live together on reservations with high murder and suicide rates, or swallowed up by major metropolitan areas – does Interior now want *them* to PROVE that they are *still* a tribe?

Chief Sitting Bull, Chief Joseph, Chief Seattle, Red Cloud, Chief Massasoit, et al. were all forced to deal with foreign people entering THEIR country with Requerimientos for Indians. Yet, non-Indians were *not* forced to live on reservations under the same Requerimientos. The question today - is there such a thing as *Equal Justice Under Law*?

After 500 years the Indians now have Interior's Requerimiento that tell Indians whom have *signed* treaties - to *prove* they are still Indians! Yet, the Indians did not have to meet any such *acknowledgment requirements* to *prove* they were a tribe when it came for them to *sign* *treaties*.

Is not *every* last Indian of any ancient group a member of some tribe that is worthy of recognition in order to - preserve their history?

► Problems with Federal Acknowledgment Requirements

1. **Money.** Many promises were made but little money to make them happen! So, a system was de facto created to "Grade On A Curve" to cut those on the losing end off by giving them a "D" (Don't Qualify) because they do not meet Interior's fictitious justifications for what is an Indian or a Tribe.
2. **Records.** More likely the problem is the Interior's recordkeeping program or long term memory loss of Indian allotment records, enrollment membership files, trust issues, etc. So, Interior had to *reinvent* Indian tribal record memories to cover up its mismanagement. Having inventoried State Department records world-wide and managed large volumes of records I know the value of evidentiary documentation. You need **supervisors that supervise**, to meet deadlines, to get rid of backlogs, to communicate with people directly, to get people that *move* the workflow, to keep high production and high quality, etc.
3. **Rules.** Since each agency makes up its own regulations, they pick and chose the wording that suits them. This is the Interior's 3rd try at the acknowledgment quicksand of abstract words and voluminous requirements. One example is 83.7 (b) it keeps using the word significant: significant rates, significant degree, significant portion, etc. The word "significant" is an abstract concept. It means whatever INTERIOR wants them to mean.

Interior's use of abstract words and voluminous requirements virtually strips away the very meaning of the word "tribe" a thousand and one ways.

Interior gets the final say because they have paid attorneys to enforce any decision they chose to make. Even in the Supreme Court, only *five* justices prevail on any conservative or liberal issue. That's it!

Interior well knows small, poor tribes and groups cannot fight Interior's decisions, so Interior wins by default.

4. Who's on First

The Acknowledgement staff is here today and gone tomorrow. But, the Indian people are here every day, year, decade, and century. Continuity is lost. Decisions made on recognition by one Interior official may be sidetracked by other staffers who feel just the opposite. The political philosophies of political appointees from the two major parties "speak with fork tongue." All this contributes to a *long empty trail*. The game goes on for many years. To some degree this is why Communist governments have failed around the world, a small group of people in their capitals deciding what is "best" for the masses.

► A few positive steps to think about

1. Recognize every tribe!

Why? Because every one of them have stories to tell their children and grandchildren, can speak their ancient language, and remember their Elders. Even the last old lady of a tribe is a member of a greater Spiritual Tribe of Ancient Ones. They have their old worn blankets, broken pots, and ancient smiles. For one day her eyes will close, her stories will be gone, and her treasures of this life will no longer speak to her. As the old Roman saying goes, "And so passes away the glory of the world" or shall we say – and so passes away the glory of America's original Peoples.

The preservation of all Indian heritages needs help to grow a good future on their own. As it says on the National Archive building: "The Heritage of the Past is the Seed that Brings Forth the Harvest of the Future."

Thus it's Interior's job to fight for funds and disperse them to all tribes as best it can. Providing some finances, land, fishing, etc. to all the tribes cited in the Treaties and other groups will help them because they are all INDIANS! What they do with their benefits is their business. Today, many Indians have little say over lands, rivers, forests, etc. that were once all theirs in the 1400s that have since been taken from them and control given to people who *promised* to help them in return.

The Star Spangled Banner's high C was placed over the word "Free" by Key for us to remember that freedom will always be a *struggle*. Getting funding will always be a *struggle* for Interior and will require the courage like that of a full-blooded Pima Indian from the Gila River Indian Reservation – a U.S. Marine Private First Class named Ira Hayes, who helped the Marines **raise** the American Flag over Iwo Jima! I have seen this flag. It looks like it went through hell ... **but they made it!**

In the President's speech on 8-28-2013 at the Lincoln Memorial he talked about the history of all kinds of human struggles: economic slavery, voting rights, equal justice and so on, and he

said: "Change does not come *from* Washington – but *to* Washington."

Words can be shackles that will not let a bird fly, a boy go to school or an old woman to die peacefully. Stop throwing the book at them! Remove the chains and shackles!
As it is also written: "Who is it that darkeneth counsel by words - without knowledge" Job 38-2.

Many tribes do not get recognized because other tribes with casinos fear the loss of members and business and speak against them. By recognizing *all* Indian tribes and groups, this game is over.

2. Think more about the words of someone like W. Edward Deming the internationally renowned consultant who said in his book "Quality, Productivity, and Competitive Position" "... quality is achieved by improvement of the process. Improvement of the process increasing uniformity of output of product, reduces rework and mistakes, reducing waste of manpower, machine-time, and materials and thus increasing output with less effort."

But for Interior it will be the words of Machiavelli, "There is nothing more difficult to plan, more doubtful of success, nor more dangerous to manage than the creation of a new system. For the initiator has the enmity of all who would *profit* by the preservation of the *old* system and merely lukewarm defenders in those who would gain by the *new* one."

Again, the Indians know *who* they are. They have known who they are for several thousand years. By recognizing all Indian tribes and groups, it will more fully honor all treaties, restore the human spirit and remove the mask of a 1,000 wrongs.

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